

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LARRY C. FLYNT, LFP VIDEO GROUP, LLC, and LFP IP, LLC,)	CASE NO. CV 09-0048 AHM (RZx)
Plaintiffs,)	
v.)	MODIFIED ORDER OF PERMANENT INJUNCTION
FLYNT MEDIA CORPORATION, JIMMY FLYNT, II, DUSTIN FLYNT, and DOES 1 through 10 inclusive,)	
Defendants.)	
_____)	

Based on the unanimous verdict of the jury announced and received by this Court on December 11, 2009, following this Court's Jury Instructions in this matter, it has been determined that:

- A. Plaintiffs Larry C. Flynt, LFP Video Group, LLC and LFP IP, LLC (“Plaintiffs”) own valid and protectable rights in the LARRY FLYNT trademark.
- B. Defendants Flynt Media Corporation, a Delaware Corporation, Jimmy Flynt, II, and Dustin Flynt (“Defendants”) infringed the LARRY FLYNT trademark by using a mark similar to the LARRY FLYNT mark without consent of the Plaintiffs and in a manner that is likely to cause confusion among ordinary

1 purchasers as to the source of the goods, in violation of the Lanham Act.

2 C. Defendants used Plaintiff Larry Flynt's name, persona or likeness in a
3 manner that is likely to cause confusion or to deceive consumers as to whether
4 Larry Flynt has an affiliation, connection, or association with Defendants' goods,
5 services or commercial activity, in violation of the Lanham Act.

6 **PERMANENT INJUNCTION**

7 Now, therefore, it is hereby ORDERED, ADJUDGED and DECREED that:

8
9 1. Effective as of the date of this Order, Defendants and their officers,
10 agents, servants, employees, attorneys, successors, assigns, and those persons and
11 entities in active concert or privity with any of them, are hereby

12 PERMANENTLY RESTRAINED AND ENJOINED from:

13 (a) Making any sale, offering for sale, distributing, promoting or
14 advertising any adult motion picture, video or DVD, as well as other
15 adult-themed goods and services, which contains the term "FLYNT" in
16 any typographical format and phrase, including but not limited to "Flynt
17 Media Corporation" and "FlyntCorp Distribution."

18 (b) Promoting such goods and services on Internet websites.

19 (c) Passing off such goods and services as those of Larry Flynt, the other
20 Plaintiffs, or their affiliated companies.

21 2. The provisions set forth above do not prohibit Defendants from
22 advertising, selling, marketing, promoting or distributing adult-themed goods and
23 services that specifically contain the individual Defendants' full and actual names
24 (*i.e.*, "Jimmy Flynt, II and Dustin Flynt") so long as:

25 (a) The font size, font color, font style and background color for the first
26 names "Jimmy" and/or "Dustin" are at least the same font size, font color,
27 font style and on the same background color as the name "Flynt"; and
28

1 (b) The product, service, advertisement or promotional material also
2 contains, in conspicuous bold and all capitalized letters a conspicuous
3 disclaimer that states "This [video/website (or other relevant term)] is not
4 sponsored, endorsed by or affiliated with Larry Flynt or Hustler, or any
5 business enterprise owned or controlled by Larry Flynt." This provision
6 shall expire on December 31, 2012 unless by not later than six weeks before
7 it expires Plaintiffs move to have it extended and establish good cause for
8 doing so.

9 3. Defendants are prohibited from using, in bad faith and with the intent to
10 profit, any internet domain name that contains the term "FLYNT," unless the
11 domain name also contains the first name of one or both of the individual
12 Defendants. This provision applies only to use in connection with the sale,
13 distribution, promotion or advertising of any adult-themed goods or services.
14

15 4. Defendants shall immediately take any and all measures necessary to
16 cease production, manufacture, design or planning of any product or service
17 which does not conform with the foregoing paragraphs.

18 5. This Order is binding upon and shall inure to the benefit of the parties
19 and their affiliates, predecessors, successors, assigns, licensees, manufacturers,
20 heirs and personal representatives and distributors and their respective employees,
21 attorneys, and agents, or any committee or other arrangement of creditors
22 organized with the respect to the affairs of any such party.

23 6. This Court shall retain jurisdiction over this action and the parties to
24 enforce any violation of the terms of this Modified Order of Permanent Injunction.

25 ///

26 ///

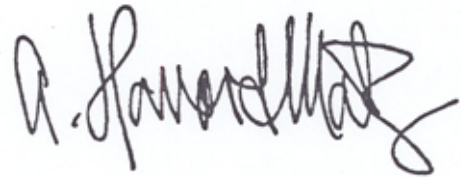
27 ///

28

1 ///

2 7. The Preliminary Injunction bonds previously posted by Plaintiffs in this
3 Action shall be released and exonerated as of the date that this Order is issued.

4
5
6 DATE: February 8, 2010

A handwritten signature in black ink, appearing to read "A. Howard Matz", written over a horizontal line.

A. Howard Matz
United States District Judge

7
8
9
10 cc: **Fiscal**